EXHIBIT 66

Pg 2 of 4

SUPREME COURT OF THE STATE OF NEW YORK

3 COUNTY OF NEW YORK

INDEX NO. 08603803/2008

Justice Richard B. Lowe

CONFIDENTIAL

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7 NEW YORK UNIVERSITY,

8 | Plaintiff,

- against -

ARIEL FUND LIMITED, GABRIEL CAPITAL CORPORATION, J. EZRA MERKIN, FORTIS BANK

11 (CAYMAN) LTD., FORTIS PRIME SOLUTIONS

(CAYMAN) LTD., FORTIS BANK, BDO TORTUGA,

12 and BDO INTERNATIONAL,

Defendants.

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February 9, 2009 9:59 a.m.

15

13

CONFIDENTIAL TRANSCRIPT

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17 Videotaped deposition of J.

18 EZRA MERKIN, pursuant to Subpoena, held at

19 the offices of Scott & Scott, LLP, 29 West

20 | 57th Street, New York, New York, before

21 Jineen Pavesi, a Registered Professional

22 Reporter, Registered Merit Reporter,

23 Certified Realtime Reporter and Notary

24 | Public of the State of New York.

25

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BS00004120

	<u>08-01789-cgm Doc 12134-66 Filed</u>	<u> 11</u>	<u>L/25/15 Entered 11/25/15 14:28:47 </u>
	162	F	Pg 3 of 4
	102	l	104
1	MERKIN - CONFIDENTIAL	1	
2	Steffens about Madoff in his days at 01:44:17PM	2	AFTERNOON SESSION 02:13:19PM
3	Merrill. 01:44:19PM	3	2:39 p.m. 02:13:19PM
4	MR. LEVANDER: The question is 01:44:21PM	4	THE VIDEO TECHNICIAN: Back on 02:38:59PM
5	broader, it is any 01:44:21PM	5	the record, time on the video monitor is 02:38:59PM
6	A. Any human being, certainly John 01:44:24PM	6	2:39 p.m. 02:39:01PM
7	Steffens. 01:44:26PM	7	This starts Tape No. 4. 02:39:02PM
8	Q. When did you discuss it with 01:44:27PM	8	J. E Z R A M E R K I N, resumed. 02:39:02PM
9	John Steffens? 01:44:29PM	9	CONTINUED EXAMINATION 02:39:02PM
10	A. Over a period of years, 01:44:30PM	10	BY MS. KASWAN: 02:39:05PM
11	probably starting at around 2000, 2001, 01:44:32PM	11	Q. Mr. Merkin, actually I will ask 02:39:05PM
12	early 2000s. 01:44:35PM	12	you a couple of more questions about 02:39:09PM
13	MS. KASWAN: Why don't we break 01:44:42PM	13	Merkin Exhibit 1. 02:39:10PM
14	for lunch, 01:44:44PM	14	The third bullet on the page 02:39:13PM
15	MR. LEVANDER: Are you finished 01:44:45PM	15	20876 refers to Friehling & Horowitz. 02:39:16PM
16	with your answer? 01:44:46PM	16	That's not the same 02:39:26PM
17	THE WITNESS: I can't imagine I 01:44:49PM	17	Mr. Horowitz that you referred to earlier, 02:39:28PM
18	am; any other human being in the world? 01:44:51PM	18	is it? 02:39:30PM
19	MR. LEVANDER: Yes. 01:44:53PM	19	A. I don't think so. 02:39:30PM
20	THE WITNESS: There are 01:44:56PM	20	Q. Do you know whether or not he 02:39:32PM
21	investors, prospective investors, there 01:44:56PM	21	is any relation? 02:39:33PM
22	were prospective investors who didn't come 01:44:59PM	22	A. I don't have the slightest 02:39:34PM
23	in. 01:45:02PM	23	idea. 02:39:35PM
24	MR. LEVANDER: Money managers. 01:45:02PM	24	Q. Did you ever speak to anybody 02:39:35PM
25	THE WITNESS: Other money 01:45:03PM	25	at Friehling & Horowitz? 02:39:37PM
l	163		165
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1	MERKIN - CONFIDENTIAL	1	MERKIN - CONFIDENTIAL
2 3	managers. 01:45:05PM	3	A. I did not. 02:39:38PM
4	It is not a short list nor do I 01:45:06PM	4	Q. To your knowledge, did anybody 02:39:39PM
5	have it handy in my head. 01:45:08PM	5	at BDO ever speak to them? 02:39:41PM
6	MS. KASWAN: Let's break for 01:45:11PM lunch. 01:45:12PM	6	A. BDO has workpapers that 02:39:44PM
"	lunch. 01:45:12PM THE VIDEO TECHNICIAN: Time on 01:45:13PM	7	describe the ambit of what they have to do 02:39:47PM and I just don't know whether this is on 02:39:50PM
8	the video monitor is 1:45 p.m., off the 01:45:14PM	8	that or isn't on that. 02:39:52PM
9	record, this ends Tape No. 3. 01:45:17PM	9	Q. Did you ever do any due 02:39:54PM
10	(Lunch recess: 1:45 p.m.) 02:13:19PM	10	diligence with respect to Friehling & 02:39:57PM
11	(marion recessor in to parity) 02:13:13(1)	11	Horowitz? 02:39:59PM
12		12	A. I have had conversations with 02:39:59PM
13		13	Mr. Madoff about Friehling & Horowitz as 02:40:01PM
14		14	recently as I think November of 2008. 02:40:04PM
15		15	O. What did Mr. Madoff tell you 02:40:12PM
16		16	about Friehling & Horowitz? 02:40:14PM
17		17	A. Well, it is important to sort 02:40:15PM
18		18	of make sure you understand the setting of 02:40:17PM
19		19	that meeting. 02:40:19PM
20		20	As I often did with investors 02:40:21PM
21		21	of ours, I brought them with me to a 02:40:25PM
22		22	meeting with Mr. Madoff, this was a group 02:40:28PM
23		23	from UBP, Union Banque Privee, and a group 02:40:31PM
24		24	of due diligence specialists within Union 02:40:36PM
25		25	Banque Privee, who were investors of ours 02:40:39PM
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·	08-01789-cgm		125/15	Entered 11/25/15 14:28:47	' '
	330	F	g 4 of 4	3	32
l				3	
1	MERKIN - CONFIDENTIAL	1			
2	appendix relate to the categories on the 06:38:18PM	2	CER	TIFICATION	
3	front page of the letter and I would say 06:38:20PM	3			
4	almost all the time his assets or his 06:38:27PM	4			
5	investment strategies were likely to 06:38:31PM	5			
6	appear in arbitrage of related securities, 06:38:34PM	6	I. lineer	n Pavesi, a Registered	l l
7	sticking with the front page for the 06:38:37PM	7		nal Reporter, Registered Merit	
8	moment, and perhaps occasionally in cash. 06:38:39PM	8		Certified Realtime Reporter and	
و	MR. LEVANDER: Are we done? 06:38:46PM	9		Public, do hereby certify that	
10	MS. KASWAN: Well, I would 06:38:48PM	10		oing witness, J. EZRA MERKIN, was	_
11	·	11	_	• ,	s ∥
12	but I'm done with this exhibit. 06:38:53PM	12		n on the date indicated, and that	ı
13		1		oing is a true and accurate	
14		13	•	ion of my stenographic notes.	
ll .		14		certify that I am not employed	
15	(Continued on next page.) 06:38:55PM	15		ated to any party to this	
16		16	action.]
17		17			
18		18			l
19		19			
20		20			ı
21		21			-
22		22			
23		23	JINEE	N PAVESI, RPR, RMR, CRR	
24		24			- 1
25		25			
1	331 MERKIN - CONFIDENTIAL	1		3	33
2	THE VIDEO TECHNICIAN: Time on 06:39:01PM	2		(HIBITS	
3	the video monitor is 6:39 p.m., off the 06:39:05PM	3	E /	KHIBIIS	
4	record, this ends the deposition for 06:39:08PM	4	Morldin		
5	today. 06:39:09PM	_	Merkin	DESCRIPTION BACE	
6	(Time noted: 6:39 p.m.) 06:40:50PM	5	EXHIBIT	DESCRIPTION PAGE	i i
7	(Time noted: 0.35 p.m.) 00.40.30FM	6	estation a	D . N . CCC	l l
8		7	Exhibit 1	Bates No. GCC 93	
9		8	Establish o	0020875 through 77	
10		9	Exhibit 2	Bates No. GCC 2390 116	
11		10	E. Liberto	through 2402	
12		11	Exhibit 3	Bates No. 12104 119	
13		12	E. J. O. O. 4	through 106	
14		13	Exhibit 4	Bates No. GCC 12309 139	
15		14		through 12310	
16		15	Exhibit 5	Bates Nos. 12301 140	
17		16		through 12304	
II .		17	Exhibit 6	Bates No. 7769 170	
18		18		through 70	-
19		19	Exhibit 7	· ,,	
20		20		e-mail from Mike	
21		21		Autera	
22		22	Exhibit 8		
23		23		December 11, 2008,	-
24		24		purporting to be	-
25		25		from Victor Teicher	
		<u>'</u>			

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